

Entitled circa This date to 1971

AGENT OSWALD

Harold Weisberg

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Suppose either Lee Harvey Oswald, the man accused of assassinating President John F. Kennedy, or Jack Ruby, history's most public murderer, the man who did kill Oswald, had been FBI informants?

Can it be imagined what kind of problems and crises the government would then have had?

In those days the great number of informants the FBI has was not generally known. People were unwilling to believe it and the FBI steadfastly denied it, as does every secret-police force everywhere. But the FBI did - and does - have a vast number of informants broken into two broad categories: "C", for criminal, and "S", representing what to the FBI is "security" but in reality is political. Any one of these, in the prevailing official view, can be more valuable than 1,000 real agents.

Well, the government's problem was even greater, for both Oswald and Ruby were FBI informants!

The FBI, of course, denies it.

Thus, when President Lyndon B. Johnson immediately put J. Edgar Hoover in charge of the official investigation, even though there was no federal jurisdiction, it then not being a federal crime to kill the President, Hoover was put in the position of investigating himself (something he may not have known when the job was given him). This became even more true when, a week later, the Warren Commission was appointed and the FBI became its major investigative arm.

But Hoover's position was much improved by the appointment of the Commission for he was then no longer in the position of reaching and assuming responsibility for the final, official conclusions while he ~~remained~~ able to and, in fact, did dominate those conclusions by controlling what the Commission could and did know and could not know.

These things were well known to the Commission, especially to its respected staff. As with all such bodies, the members are largely figureheads, the staff doing the real work. Members are always selected because of their national stature. They are always too busy to learn and fully comprehend what is going on.

A few of the top-secret executive sessions of the Warren Commission - so ultra secret even its staff was excluded and members were assured they would never even see the stenographic transcripts - read like the ramblings of elderly gentlewomen gathered at a kaffee klatch. They meandered about such things as what their wives had heard, gossiped about federal agencies, sometimes speculated in childish ways about what was outside their understanding.

This Commission, rather than being an exception, was composed of the very busiest of men, men already overcommitted to the public service, except for the two with past intelligence connections, Allen W. Dulles, who presided over the Central Intelligence Agency during the period of its greatest growth and more spectacular disasters, of which the Bay of Pigs is merely the one that led to his fated retirement; and the well-known international banker, John J. McCloy, whose delayed investigation in Dallas, already postponed for six months, was interrupted the first day by his urgent need to fly to Mexico for a hunting expedition.

As a matter of fact, it would have been difficult, if not impossible, to select an acceptable Commission with members on friendlier terms with the government's intelligence community except, possibly, for the chairman, then Chief Justice Earl Warren, and Kentucky's Republican Senator, John Sherman Cooper. The late Senator Richard B. Russell of Georgia presided over the three-monkey legislative supervision of the CIA, a fictional control allegedly exercised but never a reality. House of Representatives Republican Leader Gerald R. Ford, gung ho for the CIA, was and remains one of Hoover's most vocal admirers. Until intrusions into his personal life became intolerable for Louisiana Congressman Hale Boggs in the late spring of 1971, when he was Ford's Democratic counterpart, he, too, was Hoover's staunch supporter. Then, when Boggs finally made complaint about the FBI, he still felt compelled to praise Hoover, saying of him no more than that Hoover had grown too old in his 47-year control of the FBI, which he had headed since its creation, then appointed to the job by a liberal Attorney General, Harlan Fiske Stone, later to become a Justice of the Supreme Court.

An overwhelming majority, five of the seven members appointed by the Democratic President, were from the minority Republican Party. This is exceptional, if not entirely unprecedented, in our political history. Intelligence and conservative interests were disproportionately represented. Neither of the two Democrats, both Southerners, Russell and Boggs, was a political disciple of the victim-President. In fact, the one perspective lacking in the Commission was the country's majority, Kennedy philosophy.

The Commission inherited its first crises, of the accused assassin's and his assassin's FBI connections. Its solution was traditional, not invented by modern American bureaucracy: evasion, semantics, lies and the destruction of evidence.

What it could not get around any other way, it burned, something never until this moment reported.

It took me five years of diligent digging in the suppressed Commission files to get the shocking proof of this, and then it was hidden where one would never think to look for it.

The Commission's Report, 912 pages long and three pounds heavy, was delayed from the first of June until the end of September 1964 by the need to get around this complication in official life - that both the accused assassin and his assassin had been FBI informants. Two months later, the laboring mouse/brought forth this mountain of words, having it birthed an enormity of seemingly persuasive documentation, 26 more enormous volumes of "evidence", an entire range of verbal mountains, all equal in size to the Report itself. They occupy three feet on my bookshelves.

Only an obfuscated fragment of this, the vital evidence and the embarrassing official secret, is anywhere in these estimated 10,000,000 words that to this day have not satisfied most Americans. Not until page 325 of the Report did the Commission get around to its entirely false representation of the hidden fact that both Ruby and Oswald had been FBI informants. Most of the Report is the irrelevant, background and biographical data on Oswald and Ruby. The final substantive chapter, entitled to betoken something there never was, "Investigation of Possible Conspiracy", again in biography, has a

minute subsection of slightly more than two of its 50 pages. This is headed, deceptively, "Oswald Was Not An Agent for the U. S. Government." I add emphasis to underscore the deception.

Oswald, certainly, was not an "agent" of either the FBI or the CIA. But, without doubt, on June 26, 1962, outside his home in Fort Worth, Texas, sitting in the car of FBI Agent John W. Fain, by Fain's own later admission, Oswald did agree to become an FBI informant.

And Ruby, although you will not find it in either the Report or its yard-long, 26-volume appendage, had been a "criminal" informant of the FBI. This is established, to the degree it can today be learned, in the estimated 300 cubic feet of Commission files now stored in the National Archives. In them, the FBI's representation is that Ruby's services were valueless.

The hidden fact is that, long before his 1962 agreement with the FBI, while still in the Soviet Union, to which he had pretended to defect but never did, Oswald laid claim to serving the government. He did this in writing to John B. Connally, who Oswald thought was still Secretary of the Navy. Connally was about to become governor of Texas. In 1971, although a Democrat, Connally headed the Treasury Department in the Republican Nixon administration.

In preconditioning the public to accept an unacceptable "solution" to the assassination of the popular President, government used "leaks" to the press with consummate skill. But for all the fabled skill of the FBI, no one leak was ever traced to its source. Perhaps one of the reasons is that the most significant, if not, indeed, also the greatest in number, were by the FBI. Again, it was investigating itself. The results were predictable.

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In one of their early private sessions, the transcripts of which were classified "TOP SECRET" and from which all of the staff except the general counsel were excluded, the Commission, frustrated after repeatedly reading in the papers what should have been the closest secrets - and the tailored release of which predetermined and delimited what the Commission might do - questioned Nicholas Katzenbach about this. Katzenbach was then Deputy Attorney General, second to Robert Kennedy alone in the Department of Justice. This is the verbatim transcript:

Sen. Russell: General, I see occasionally in the press articles that purport to have come from the F.B.I. as to bits of evidence and things of that kind. How much of their findings does the F.B.I. propose to release to the press before we present the findings of this Commission?

Mr. Katzenbach: Well Senator, I know the story to which you are referring --

Sen. Russell: It's been in the papers.

Mr. Katzenbach: Yes. And I know that the Director and Mr. Belmont, who is the man in charge of this particular investigation, are utterly furious at the information that got into the press. I talked with both of them on this subject. They say they are confident it could not have come from the F.B.I., and I say with candor to this committee, I can't think of anybody else it could have come from ...

If it was courageous of Katzenbach to speak so candidly about Hoover and the FBI, it may also account for his short career as Attorney General when he was appointed to that post upon Kennedy's resignation to run for the Senate.

One of the tidbits fed the complacent and largely unquestioning press is this letter. It was then played as in the Report (R386-7), to infer an Oswald proclivity toward violence.

After a dubious and probably fraudulent "hardship" discharge from the Marine Corps, allegedly to support his supposedly destitute mother, granted days before his enlistment expired, instead of caring

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for her, Oswald chiseled a few bucks from her and went to the USSR. There he promptly and publicly pretended to surrender his citizenship, all the while being careful not to. The Navy, taking a dim view of what appeared in the papers, changed his honorable discharge. This was Oswald's letter of protest and appeal. It is printed in full in the part of his biography that is in Appendix XIII (R710).

Only what is deliberately misinterpreted as a threat is quoted in the text of the Report, "that he would 'employ all means to right this gross mistake or injustice'." That - and no more.

But, what Oswald actually wrote is that "The story was blown up into another 'turncoat' sensation ..." To this he added a concluding paragraph, entirely ignored by the press as by the Commission.

It begins:

I have and allways (sic) had the full sanction of the U.S. Embassy, Moscow USSR, and hence the U. S. Government.

And it concludes by giving the Embassy as reference:

For information I would direct you to consult the American Embassy, Chikovski St. 19/21, Moscow, USSR.

This is neither Oswald's only nor his strongest claim that he served intelligence interests in the U.S.S.R. The others, rather than being merely distorted, were entirely suppressed. I select this one precisely because it was made public and was twisted. Oswald, without refutation, claimed government sanction for his phony "defection".

Allegations that he served the FBI were printed right after the assassination. They attracted little attention then and were soon entirely forgotten. These stories were ignored by the Commission until it dared do so no longer. Then it moved fast, decisively, imagination and originality mixed with its uninhibited use of raw power.

The Secret Service was first and more honest in transmitting reports that Oswald had been an FBI informant. Of all government investigative agencies used by the Commission, the best if still inadequate record is that of the Secret Service. It was the only federal agency with legal jurisdiction when the President was assassinated. But it was immediately frozen out of all crucial areas by the omnipotent FBI. If the Secret Service, subject to bureaucratic pressures as it was, with careers on all levels dependent upon conformity with official policy, did become part of what in an earlier work I described as the "cover-up" of the evidence and the possible solution of the crime, it nonetheless immediately and without deviation presented the Warren Commission with solid proofs that the Commission's predetermined conclusions were untenable. When this happened, the FBI came to the Commission's rescue and the Secret Service remained silent. The FBI began preempting and excluding the Secret Service less than 24 hours after those shots changed the history of the world at 12:30 p.m. Dallas time, November 22, 1963.

The Commission designated its numbered files "Commission Documents" (CDs or CRs). The one numbered 320 contains a report from Special Agent in Charge (SAIC) Lane Bertram of the Houston office.

Its synopsis reads:

Interview with Houston Post reporter Alonso (sic) H. Hudkins III. He states Oswald reported to be on FBI payroll as an informant, and other information.

This "other information" includes unsubstantiated belief that Ruby was part of a conspiracy. The paragraph about Oswald as an FBI informant reads:

On December 17, Mr. Hudkins advised that he had just returned from a weekend in Dallas, during which time he talked

to Allen Sweatt, Chief Criminal Division, Sheriff's Office, Dallas; Chief Sweatt mentioned that it was his opinion that Lee Harvey Oswald was being paid \$200 a month by the FBI as an informant in connection with their subversive investigations. He furnished the alleged informant number assigned to Oswald by the FBI as "S172".

Sweatt was one of the key figures in the immediately corrupted investigation. The assassination was committed a few hundred feet from his office, which was immediately converted into a command post. (Among the unique functions served there was the confiscation and, to the degree it could be, the suppression of as many as possible of the pictures of the assassination.)

Footnote (I published an entire book on this, PHOTOGRAPHIC WHITEWASH: Suppressed Kennedy Assassination Pictures. In the ensuing four years, there has been no complaint from any official on any level in any government, from the Dallas police and sheriff's offices up to the FBI, nor one from a single member or member of the staff of the Warren Commission. There has been no complaint because there is no question about the facts - and because this book represents the first thorough resurrection from official oblivion of the suppressed evidence, of which 150 pages, largely relevant FBI reports and Commission memoranda, are reproduced in facsimile.)

When Bertram's report reached the Warren Commission, File 320 turned out to be one of its many "circular files".

The FBI knew about this before the Secret Service report got from Houston to Washington, and began working on it - and Hudkins.

The Secret Service kept in touch with Hudkins, as he did with it. Dutifully, when he got bits and pieces of information from sources of unknown dependability, he passed them on to the Secret Service. He apparently did not trust the FBI. I have the Secret

Service reports. Later, when the government was in a bind on the question of whether or not Oswald was an agent or informant, Hudkins was defamed as "not very reliable" because he had told federal investigators only what he had himself been told, so they could investigate these tips. This was, after all, their function, not his.

Six pages from two unpublished files, four from 320 and two from 349 (Secret Service Control Nos. 705 and 782), illustrate Hudkins' "unreliability" and the "reliability" of the Secret Service and its source. One example is the report that reached Hudkins "that citizens of the United States had entered into an agreement or plot to assassinate Premier Castro of Cuba," one inference being that this could have inspired Oswald to assassinate Kennedy.

Today there is nothing new in this. It is beyond question. It might have been then to any government intelligence agency of any kind, for some, like the CIA, were involved. Others, like the FBI, had the obligation of enforcing such laws as the neutrality act. A sister agency of the Secret Service, the customs service, conducted raids to frustrate these adventures once President Kennedy forbade them as one result of the Cuba Missile Crisis. A number of the mercenaries involved in this and similar plots had no reluctance in describing them in detail to me. They gave me pictures of their companions, described their preparations, identified those from whom they received assistance, and explained how they failed. In one case, a real CIA agent, also a Bay of Pigs prisoner, told me of a plot against Castro that failed only because, on a last-minute whim, Castro shifted from the jeep in which he had been riding when his convoy stopped. The one he abandoned sustained a direct hit by a bazooka shell - American-supplied. Its occupants were killed.

Hudkins at first believed his source was his paper's Washington representative, Felton West, who later said he knew nothing about it. Bertram's December 12 report to "Protective Research" in Washington, which is the White House security detail, urged that "a member of the Houston Post Washington Bureau by the name of O'Leary not be contacted or in any way be permitted to obtain this information in this report."

Hudkins, learning from West that West claimed not to have been the source, immediately told Bertram of the apparent error and said he would check his notes to learn the identity of his source (File 349).

West had been city editor of the Houston paper before becoming its Washington representative. He was called to the White House and interviewed by the chief of Protective Research and an inspector of the Secret Service. West then identified this O'Leary as "formerly Science Editor of the Houston Post" but said he "had died in New Zealand while accompanying an Antarctic expedition and that Mr. O'Leary was buried in Dallas some few days before the assassination of President Kennedy." (File 320, Control 705)

This o'Leary is the well-known Jeremiah O'Leary of the Washington Star who no doubt would have been surprised to learn of his burial in Dallas as a prelude to the "crime of the century", which he covered. (File 349)

Another of Hudkins' tips is that Lieutenant George Butler, correctly identified as the head of the Dallas Police Juvenile Bureau (although his chief function seems to have been "internal security", seeing to it that there was no Communist subversion in the Dallas Police!), had said of the President in Hudkins' presence, "I'm glad the son-of-a-bitch is dead, but I wish it had not happened in Dallas." Butler, with exactness beyond question, is described as a "rightist".

Considering the extremist groups of the extreme right fringe he addressed and praised, the description is hardly an exaggeration. Nor is it less interesting that it is Butler who reportedly gave the all-clear signal to move Oswald, signifying that the car in which he was to have been spirited away was in place when, in fact, it was not. Had it been, it would have been impossible for Ruby to shoot Oswald, for the one clear spot, the one from which he did shoot, is precisely where the car was supposed to have been.

Butler, when last I heard of him, had quietly been shifted to administration of the jail.

With these reports attributed to Hudkins accurate, not inaccurate, we have a means of comparing his "unreliability" with official "reliability". His unofficial fryingpan seems less black than the official kettle.

But on the subject of the December 17 information, "that Lee Harvey Oswald was being paid \$200 a month by the FBI as an informant in connection with their subversive investigations," the Secret Service was more circumspect. It was handled by telephone - 46 days later.

Typically, that is filed in still another of those round files in which it is so easy to lose things, the mere depositing in different files being enough to make retrieval difficult.

Bertram's January 24, 1964, report to "Chief", James J. Rowley, is Secret Service Control Number 1011. It is in the Commission's File 372, not 320 or 349. It is brief. It reports other forthcoming stories saying Oswald had been an FBI informant and has two other short paragraphs. The first begins, "This will acknowledge receipt of long distance call from Inspector Elliott Thecker on January 23,

requesting information contained" in the first report. The last sentence reads, "This was furnished," that is, by phone.

The second paragraph begins, "Later the return call was made to Inspector Thacker advising that additional information had been received." The barest possible reference is made to that phoned-in information.

The reason for this January 23 phone call will soon become apparent. It was part of a crisis, the Commission's first big one and perhaps its most serious.

A week to the day prior to Hudkins' report to Bertram of what he had been told by Chief Criminal Deputy Sheriff Sweatt, Joseph C. Goulden, then a reporter for the Philadelphia Inquirer, had a story in its Sunday, December 8, issue. Two of its five paragraphs on this subject say:

The FBI attempt to recruit Oswald as an informant, an informed law enforcement source said, was made in September, just after he had moved to Dallas from New Orleans.

(Actually, when Oswald left New Orleans in September, he went to Mexico; thence to Dallas, arriving in October. His wife and daughter had moved to Dallas in September.)

The source said he did not know if the FBI succeeded in hiring Oswald; and the federal agency would not discuss the matter.

An earlier paragraph identifies Oswald's function as "an undercover informant in Castro groups."

But the headline on Goulden's story, consistent with its "lead", is "Ruby Posed as TV Cameraman's Helper to Get at Oswald." This gave the FBI a perfect opening for the use of one of its lesser-known but highly developed skills, obfuscation. So anxious was the FBI to lay

to rest these rumors, that the man it said killed the President was one of its own, that it waited until the ninth day after appearance of Goulden's story to question him. And so penetratingly did they plan to interrogate him that they did it - by telephone!

This was neither the first nor the last time the FBI used the phone to avoid embarrassing confrontation with uncongenial evidence, especially about Oswald's official connections. It was done extensively in New Orleans, to avoid direct contact with those who had knowledge of the assassinated assassin's CIA connections.

In still another of those Commission files, this one No. 391, there is the December 16, 1963, report of Philadelphia Special Agent John R. Wineberg's interview with Goulden. It is from the FBI's Philadelphia File 44-767.

It may help the reader's understanding to know that there was no need for this scattering of these reports on a single subject through so many different Commission files. Many of the more than 1500 numbered ones are greater than book-length. All these larger files contain reports of different dates on varied subjects from different sources. Some are so large that, in binding, one file becomes three volumes. However, the Wineberg reporting is the only thing in Commission File 391.

Its single paragraph tells the entire story:

JOSEPH GOULDEN, Reporter, "Philadelphia Inquirer," telephonically advised that he had contacted the unidentified law enforcement officer in Dallas, Texas, over the week end by telephone, who had previously told GOULDEN in Dallas that JACK LEON RUBY had gained entrance to the basement of the Dallas Police Department by posing as a TV cameraman's helper on the day that LEE HARVEY OSWALD was shot and who had also told him that LEE HARVEY OSWALD at one time had been contacted by the Federal Bureau of Investigation to become an informant. GOULDEN declined to identify the law enforcement

officer after having talked to him on the telephone. He did say, however, that the officer told him that the matter was being "handled through proper channels." GOULDEN said he did not question the officer further as to what these channels were.

Thus, in its pretended investigation of reports that Oswald had been its man, the FBI, in this report, almost escapes mention of it, glossing it over in a clause. But this meager report served a purpose: to fall back upon, if later asked, to support the opinion that "there is nothing to it." The FBI could then say it had interviewed Goulden, who had nothing of value.

But, as with Hudkins, the FBI had to go back to Goulden, again not until after the same crisis, not until February 12. Wineberg's report is in yet another Commission file, No. 463. Consistently, there is nothing else in that file, either. In this case, the FBI Philadelphia Field Office file number is also different, 105-9958. The Headquarters file, in Washington, is 105-8255. The scant, two-paragraph report required a paragraph of synopsis, each on separate pages.

This is neither as pointless nor as foolish as it seems for the synopsis, intended to save the time of busy officials, succeeds in conveying three deceptions:

HUDKINS in Philadelphia covering National Council of Churches Convention early 12/63, which was before GOULDEN went to Dallas to write assassination story. GOULDEN aware of assassination matter only from what he learned in Philadelphia from news media and recalls no conversation with HUDKINS in Philadelphia in which GOULDEN said OSWALD was FBI informant.

Now, it happens that Hudkins and Goulden were old friends, having both, earlier, covered the Dallas courthouse when Goulden worked there. They remained friends, and when Hudkins was in Philadelphia, on a day easily established and entirely unreported, as Wineberg put it, "HUDKINS was at the GOULDEN residence for dinner and a social evening."

That "Up to this time, GOULDEN had no direct, first-hand knowledge of the assassination and was aware of the assassination only from news media in Philadelphia" is so irrelevant to what Goulden wrote and was published December 8 it amounts to a deliberate misrepresentation, a conscious effort to deceive those who might read Wineberg's report.

The second, shorter paragraph is worth repeating in full:

HUDKINS had covered the assassination story in Dallas for his paper, the "Houston Post," and they did discuss the assassination. GOULDEN said he did not recall that they discussed the possibility of OSWALD's having been an informant of the FBI; however, they did discuss many phases of the case. He also pointed out that anything he (GOULDEN) might have said about the matter would have been based on what he had heard or read in Philadelphia.

One possible, and I think intended, interpretation of the second sentence is to cast doubt on Hudkins' dependability, for had he not failed to tell his good friend of this big story? And who in the FBI was going to ask the Secret Service about its later Hudkins report? Had the Warren Commission had any sincere interest in getting at the truth, it would not have been easy. These Hudkins reports were all in different files - each in a different file - and there are yet others.

The concluding sentence seems pretty clearly designed to convey the notion that, regardless of what he had written, Goulden "had no direct, first-hand knowledge" and "that anything he (GOULDEN) might have said about the matter would have been based on what he had heard or read in Philadelphia."

The FBI was careful to avoid embarrassment either to itself or to the Commission. It went out of its way not to provide copies of the Hudkins or Goulden reporting on Oswald as its "subversive" informant. When, after diligent personal search in the Archives, I

could find no copies there, I wrote the Archivist that the copies of "these reports, as supplied me, have no copies of the pertinent stories written by these reporters. If they are in the files, I would like copies." For six years I have maintained a deposit account at the National Archives. I pay the cost of all such requests in advance. The Xeroxing, in fact, was at a rate three to four times greater than those prevailing commercially. And, no copy of either story was provided.

Thus, any Commission official reading this Wineberg report or its summary would not readily understand that the "investigation" was supposed to be about whether Oswald had been an FBI informant.

In this same letter to the Archivist, I asked for a page from still another file, No. 385. It had not been supplied me. There are five that are relevant, pages 104-108. ~~No doubt by accident,~~ (106) had been omitted.

That page is another deception that cannot be accidental. It is a summary report dealing with what a secondhand source is alleged to have said so elliptically and indefinitely that the actual source of what is attributed to Hudkins cannot be identified from it. The story is too simple, too well-known to have been balled up by accident.

Hudkins had spoken by telephone to Mrs. Ruth Paine, with whom ~~the~~ ⁱⁿ ~~Irving~~, the Oswalds lived near Dallas, Lee returning to the ~~Paine home in sub-~~ ¹ ~~urban~~ Irving on weekends. They made an appointment for Hudkins to visit her later in the day. During the conversation, Hudkins had mentioned that Marguerite Oswald, Lee's mother, a practical nurse, had told a "socially prominent" woman for whom she had worked that "her son was doing important anti-subversive work." These are the words of FBI Dallas Agent Ivan D. Lee to whom Mrs. Paine had spoken when she

"telephonically advised that she had just talked with" Hudkins by phone. This was, according to Lee's report, FBI Dallas File DL 100-10461 (page 104), on December 28. Lee did not bother dictating his exhausting 104-line report until December 31. It was not typed until January 3, 1964, such was the interest of the FBI.

The "socially prominent" woman was located without difficulty (page 107). She is Mrs. Lowell N. Rosenthal. The summary report of this interview, bearing the initials of one of the agents in charge of correlating the Dallas investigation, Robert P. Gemberling, also only 10 lines long, says that the December 29 interview with Mrs. Rosenthal had "previously been reported". This paraphrase of what that report says is:

In this interview Mrs. ROSENTHAL stated that from conversation with Mrs. MARGUERITE OSWALD that her son who was in Russia was working for the U. S. Government in Russia ... (sic)

There was nothing new in this. Mrs. Oswald had so charged directly to the government before her son's repatriation. She had repeated it on every possible occasion. Time after time, when she was later to say it on radio and TV shows, the FBI got tapes of them, clandestinely, and they were thereafter suppressed by the National Archives on direct order of the FBI. Only the existence of an entirely inadequate summary of the Commission's numbered files disclosed that what the FBI was suppressing was public - had been sired on radio and TV! This was contrary to the expressed desire of Commission Chairman Warren and then-Attorney General Robert Kennedy, both of whom desired everything possible be made available for research. They had so directed.

But nobody directs Hoover, who refused to talk to his theoretical boss, the Attorney General, beginning not long after the Attorney

General's brother was assassinated.

On December 29, the day after Hudkins visited Mrs. Paine, the FBI sent Agent Kenneth C. Howe to see her. His report (page 105) quotes her as having "furnished the following information concerning this contact by HUDKINS":

HUDKINS referred to an article which he stated had appeared in the New York Times, either December 26 or 27, 1963, which article conjectured that LEE HARVEY OSWALD probably made a deal with the U. S. Government to work in its behalf in anti-subversive endeavors in return for being granted permission to return to the United States. She stated that the article reportedly goes on to bring out that OSWALD probably was not being watched any more closely than he was by the FBI because OSWALD was working for or on behalf of the government.

After a third paragraph dealing with what Hudkins had quite correctly attributed to Mrs. Rosenthal, Howe wrote,

Mrs. PAINE stated that HUDKINS' primary purpose of (sic) seeing her was in an effort to get some confirmation, if possible, of the possibility OSWALD was actually working on behalf of the U. S. Government prior to the assassination.

This, Mrs. Paine said, she could not confirm.

An entirely different version is given by one of the agents most directly involved, the FBI's Dallas "Oswald expert", James P. Hosty, Jr. He and Agent Berdwell D. Odum interviewed Mrs. Paine January 3, 1964. Their report (page 108) is short, having but nine lines. The first paragraph reads:

Mrs. RUTH PAINE, 2515 West 5th Street, advised that LONNIE HUDKINS of the Houston Post Newspaper, in his contact with her on Saturday, December 28, 1963, had stated that the FBI was foolish to deny that Agent JOSEPH HOSTI (reference to SA JAMES P. HOSTY, JR.) had tried to develop LEE HARVEY OSWALD as an informant. Mrs. PAINE stated she made no comment one way or the other to HUDKINS regarding this remark.

And this, not the Howe fiction, is the nitty-gritty: Did Hosty try to "develop" Oswald "as an informant"?

To this paragraph is appended a single sentence that cannot be true:

Mrs. PAINE stated that she knew that SA HOSTY had not interviewed LEE HARVEY OSWALD.

Mrs. Paine had no way of knowing, one way or the other, whether or not Hosty had interviewed Oswald. Nor is it merely a question of "interviewing". There is the question of pressuring. Further deception is served in what Hosty omits, that he had interviewed both Mrs. Paine and Marina Oswald before the assassination and, what was carefully hidden, had leaned on Oswald further by making defamatory remarks about his wife in the form of questions to Irving neighbors.

Based on these pre-assassination interviews, not all of which are acknowledged in the Warren Report, if Mrs. Paine had been disposed to make a guess about whether or not Hosty had interviewed Oswald, she could not have avoided the possibility Hosty had, for she, personally, had told Hosty how to find Oswald at work.

What better reason for Hosty to quote her as saying "that she knew that SA HOSTY had not interviewed LEE HARVEY OSWALD"?

With the passing of a reasonable amount of time, and without public announcement, Hoover disciplined Hosty and reassigned him to the Kansas City office. Whether the disciplining was for some unspecified transgression or for failing in his mission can only be conjectured; but if it is the former, everyone in the FBI who could do so went out of his way to say the opposite before the Warren Commission.

The effort to make little of varied and needlessly confused accounts of the numerous reports of Oswald as an FBI and/or CIA

informant, so complete that not even copies of the published newspaper accounts remain, if they ever were, in the Commission's files (and no single report says a single clipping is attached), was not a disappointment to the Commission. None of the foregoing - and much more - was hidden from it or its staff. This is not conjecture.

Among the hundreds from whom the Commission took testimony, neither Hudkins nor Sweatt nor Goulden nor the author of the New York Times story was included. The original Dallas source of the story that Oswald had been an FBI informant was not Sweatt but Bill Alexander, the sort of wild-west assistant district attorney, a rough-looking and reputedly rough-acting character. Therefore, the Commission also elected not to take testimony from Alexander (who also had other interesting involvements tending to link him with Oswald, also ignored by the Commission).

How better pursue the truth without fear or diversion, diligently and persistently, wherever it led; what better way of learning whether or not the accused Presidential assassin was or was being recruited to be an FBI informant than by refusing to take testimony from a single one of the sources of published reports that he was?

Here, in the context of their busy lives and other public commitments, it is possible to make a kind of defense of the members of the Commission as distinguished from its staff. This is not to say they are innocent, nor is it to say that these men, all with long careers in government, were not thoroughly familiar with the workings of any bureaucracy, especially one with motives of self-interest and self-preservation. They should have known better. One, much later, confessed to me his belief that "we were never told all about Oswald and his connections."

In the context of their many other pressing preoccupations, it is possible to suggest that the members, particularly on this aspect of the investigation, were the creatures of their staff, were boxed in, had their decisions pre-determined for them. They were somewhat like ringed and chained bulls who, should they dare to run, tread on the chain dangling from a steel ring affixed to the soft tissue between the nostrils. One step on any part of that chain and the pain in the nose is excruciating. The bull pulls up short, stops, then walks slowly, if at all.

The Commission held a number of what are called "executive sessions". These are not uncommon with committees of Congress, commissions and similar bodies. It is a polite way of saying secret sessions aside from the members of the Commission, the court reporter and General Counsel J. Lee Rankin, they were alone. Rankin, also a Republican, had been Solicitor General of the United States, the government's lawyer, part of the Department of Justice, where he made and preserved many lasting friendships. Until both realized it was indelicate, his early and suppressed Commission correspondence with J. Edgar Hoover began with the salutation, "Dear Edgar".

During one of these sessions, on Monday, February 24, 1964, Chairman Warren, reflecting the lingering concern over whether or not the reports that Oswald had been "an undercover agent for the FBI", raised the question again. What follows is an unedited, verbatim reproduction from pages 1598 and 1599 of the official, TOP SECRET, transcript:

The Chairman. The next item on the agenda is status report on allegation that Lee Harvey Oswald was an undercover agent for the Federal Bureau of Investigation or other Federal investigative agency. Mr. Rankin?

Mr. Rankin. We have enclosed as part of your exhibits ~~here~~

here what we have in regard to the various affidavits of agents, Mr. Hoover personally, and the interviews that were had with the various Dallas officials and newspaper reporters. We checked out Mr. Hudgins, as you will recall, who sent me the source of the rumor, and we checked out all other sources, and the reports are here, and they all show negative. There wasn't any disclosure by Mr. Hudgins. He said he had such information, but he refused to disclose his source, and he did not indicate that he had anything more than the number that he said and the claim that there was such a relationship. That is all here in these reports.

Rankin, who was to become New York City's law officer as its corporation counsel, did not tell the truth. As the reports already cited show beyond any question, Hudkins not only never "refused to disclose his source," but he made it explicit. Further, federal investigators had traced the information from Swestt to Assistant D. A. Bill Alexander. The sole purpose served by this blatant lie was to persuade the Commissioners that there was no substance to the reports. As the reader has seen by now, it is anything but true that "we have checked out all the sources, and the reports are here, and they all show negative."

If those, especially of the major media and the eastern intellectual community, particularly those "liberals" who blindly say, in effect, that Earl Warren could make no mistake, forgetting that Jesus trusted Judas, had instead assessed the available evidence alone, they would have known that certainly someone had done wrong. But by their blind, unthinking, irrational and entirely unsupported assault on those who raised questions about the integrity and motives of the official investigation and its conclusions, they may well have made impossible any legitimate defense of the members of the Commission. This one excerpt might open some closed eyes.

This is but the beginning of the story, the tiny particle that can be pieced together from a single aspect of what the Commission

saw unfit to publish when it did publish an estimated 10,000,000 words in a total of 27 tomes.

Gerald

Republican Leader/Ford is a successful politician. He is not, however, renowned for tact or diplomacy. Paid with public funds to be a member of the Warren Commission and thus privy to its secrets, and with a ghostwriter provided by the ever-accommodating taxpayers, his name appears on two different private "Warren Reports", the first appearing in the issue of Life immediately after the official Report appeared, and the second a book, "Portrait of the Assassin". The book was first published by Simon and Schuster in 1965. It was reprinted in paperback by Ballantine Books the next year.

The ghost was John R. Stiles, a long-time friend who had managed Ford's first campaign in 1948. Thus, according to the book's final page, "About the Authors", it was "natural ... that Mr. Stiles became Congressman Ford's special assistant throughout the Congressman's ten-month service on the Warren Commission."

Translation from officialese gobbledegook: The Treasury paid for Ford's ghost. The Commission had its own staff.

What is "natural" is that, with so crass a commercialization, as with all literary effort that supports the Report, no charge of "scavenging" has been leveled at the respectable and respected Congressman. That libel has been reserved exclusively for those who publicly dispute the official mythology about this assassination. As one so defamed, entirely seriously, without fingers crossed or anything like that, I here express my own and I hope what will come to be a national appreciation of Ford's "natural" commercial instincts.

For he is a blabbermouth.

It is for this alone that we are in his debt.

If he said far less than he might and should have, he also said too much for the survival of the official fairytale.

This is the beginning of his book:

No sooner had the Commission investigating President Kennedy's assassination assembled its staff and tentatively outlined methods of operation than it was plunged into an astounding problem. On Wednesday, January 22, the members of the Commission were hurriedly called into emergency session by the chairman. Mr. J. Lee Rankin, newly appointed General Counsel for the Commission, had received a telephone call from Texas. The caller was Mr. Waggoner Carr, the Attorney General of Texas. The information was that the FBI had an "undercover agent" and that that agent was none other than Lee Harvey Oswald, the alleged assassin of President Kennedy!

Prior to that day the newspapers had carried an inconspicuous article or two speculating on whether Oswald could have been an agent of any United States Government agency. Mrs. Marguerite Oswald had made statements that she thought her son must have been tied in with the CIA or the State Department. But now the alarm had been sounded by a high official; and the Dallas prosecutor, Mr. Henry Wade, who had also reported the rumor, was himself a former FBI man.

Individual members of the Commission got the first inkling of the seriousness of Carr's report when they met in emergency session late in the afternoon of the twenty-second of January. Each had received an urgent message to come at 5:30 p.m. to the Commission's office in the Veterans of Foreign Wars Building. My secretary had contacted me immediately. I happened to be in a subcommittee hearing in connection with my normal duties on military appropriations. The other members of the Commission--Chief Justice Earl Warren, Senators Richard B. Russell and John Sherman Cooper, Congressman Hale Boggs, John J. McCloy and Allen W. Dulles--were going about their busy schedules.

On the arrival of the members, each took his place around the eight-foot oblong table. The late hour and the complete disruption of everyone's personal plans added to the atmosphere of tension. I was already overdue to leave the office, go home, change to evening clothes and attend the dedication of the new Museum of History and Technology. The Chief Justice had the same problem. He was the scheduled speaker at this important event.

J. Lee Rankin, General Counsel of the Commission, then reported the startling allegations to the members. They looked at one another in amazement.

The session that followed lasted until after seven. I can not recall attending a meeting more tense and hushed.

The Commission made the decision to ask the Texas Attorney General, District Attorney Wade and any other Dallas officials who had knowledge of these allegations to come at once to Washington and secretly present what they had heard. There should be absolutely no publicity.

The Texas officials slipped into the nation's capital with complete anonymity. They met with Lee Rankin and other members of the staff and told what they knew. The information was that Lee Oswald was actually hired by the FBI; that he was assigned the undercover-agent number 179; that he was on the FBI payroll at two hundred dollars a month starting in September 1962 and that he was still on their payroll the day he was apprehended in the Texas Theatre after having gunned down Officer J. D. Tippit! The officials returned to Dallas after their visit on Friday, January 24. Their presence in Washington was unknown to the press or the public.

This sensation was little noted on publication, has been entirely forgotten except for a few still researching the assassination, and spurred me to more intensive investigations in one of the two most carefully hidden and most important elements of the assassination evidence. The first thing I had written on the assassination, almost as soon as the President was buried, is what is called a "lead and summary" for a magazine article that could not be published. My agent reported that all major magazines were practically terrified and would print only what was consistent with what government said. The topic sentence read, "Lee Harvey Oswald could not have been persona non grata to the FBI."

This modest representation was obvious to one with my background as an investigative reporter, a Senate investigator, and an intelligence analyst. It must have occurred to hundreds, immediately. But the FBI carefully brushed over all the trail.

Sensational as is Congressman Ford's blabbing-for-bucks, it is still a considerable understatement. It in no way discloses - does not even suggest - the unbelievable national scandal, an incredibility like nothing in our history, that immediately followed

and then, save for a single bureaucratic oversight, was completely hidden.

This "crisis" is reported only in Ford's for-personal-profit "Warren Report", not in the official one. The official one bears no hint of this or the fact behind it. There were these three feet containing millions of words of "evidence" the Commission published, but in them no space for this sensation, as there was for none of the small sampling of relevant reports I have just cited.

The Commission did not, on its own, decide to give the mourning nation this large selection of its collection of what, for the most part, is irrelevant. It published these 26 volumes of testimony and appendages only under White House pressure, another fact until now not given the public.

Commission-articulated resistance to publishing much of anything more than a bit of its carefully selected propaganda rambled on for pages in its TOP SECRET executive sessions. Here are a few excerpts from pages 5872-5874:

The Chairman. My thought is this, on that subject. I wonder if we are under any obligation to print this transcript. I think we have to print our report. But to print this appendix is going to cost, as I see there, for 2,000 copies -- if we have 10 volumes, it will cost \$259,000. And 2,000 copies would not be anything. Every Congressman, every Senator would want a number of copies for his libraries and so forth, as they do with the Congressional Record. And it would amount to a vast sum of money.

And why shouldn't we just file our report in printed form, and then file with the transcript. And then if Congress or someone else wants to have it printed later, let them print it. . . .

Mr. Dulles. . . . But I quite agree with the Chief Justice, Make this available so nobody can say you have not tried to make the whole thing secret. But to print all the testimony you have taken -- some of it has been terribly detailed. If historians later want to read it over and work on it, well and good, but I don't think anybody would pay any attention to it to begin with.

* * * *

Mr. Dulles. Well, as the Chief Justice says, if Congress wants to appropriate the money to print it, let them do it.

The Chairman. Sure. We would not conceal it. We would make it available to them. If they wanted to print it, they could do it.

Until pressured, it had an entirely different attitude, as disclosed by this excerpt from an early TOP SECRET executive session from which it excluded its staff, access to the transcripts of which, the chairman assured the members, would be denied even its trusted employees:

Rep. Boggs: Mr. Chief Justice, who sees this transcript this man is making here?

Chairman: That is supposed to be Top Secret, between the reporter and this Commission, and no one else. I am sure that is the understanding.

Rep. Boggs: All right.

Chairmen: We could not have less than that.

Rep. Boggs: I just wanted to make sure.

What was not classified, that for which there was ample space, is page after page of cheesecake pictures of Jack Ruby's hardfaced and softbodied strippers on the one extreme, their hardness no more related to the assassination than their softness; and on the other, such pseudo-science as the FBI's detailed analysis of hairs found on a blanket known to have been Oswald's. These were pubic hairs, the FBI's science established after hours of the most complicated study, and Oswald's pubic hairs at that. Why it is significant that Oswald's pubic hairs were on Oswald's blanket is an arcane secret of the secret police, but the Commission was impressed. The whole schmear is in the appended volumes as it is in the Report, complete with enlarged cross-sections (R587), for all the world as though whose pubic hairs were on Oswald's blanket should be of interest to anyone besides his wife.

And thus we can learn, in examining this most subtle "proof" on how the President was assassinated and by whom, by study of this full-page drawing titled, "DIAGRAM OF A HAIR," that each has eight

parts. Imagine that! Each tiny hair, eight parts, no less! They are clearly identified: root, shaft, scales, cuticle, cortex, medulla, pigment and cortical fusi. So that all of this could be understood clearly, the FBI's much larger drawing, even in reduction for Commission reproduction, presents the cross-section of a hair blown up to an inch and a quarter.

Now this, to this Commission, was how to solve the assassination. Not by any genuine inquiry into, for example, whether the sole man it ever considered might have been the assassin had such complications in his life as association of any nature, no matter how remote, with government intelligence, either the CIA, the FBI, or both.

These exaggerated examples serve to highlight what really transpired in those TOP SECRET executive sessions.

It is possible to think too harshly about individual members, like Boggs, from looking at their let-down hair, possible to attribute more guilt to them than may be justified. What I believe the Commissioners never realized is how much they were the creatures of their staff, the lawyers they thought served them alone, and the FBI, which did almost all its investigating, if that is what the FBI really did for the Commission.

Some of the members, from time to time, expressed jaundiced views in their TOP SECRET Kaffee klatches. However, Boggs and Ford never lost their faith in the FBI.

The year after they issued their Report, they made a joint television appearance in New Orleans, not for a moment realizing their self-indictment. These are the words of the Associated Press account, from the Washington Post of June 7, 1965:

Both men also expressed the view that if the FBI and the Secret Service had jurisdiction in the investigation of the shooting of President Kennedy, then the killing of Lee Harvey Oswald would not have occurred. The two agencies, they said, would have provided more safeguards for Oswald, the accused assassin.

Aside from a self-indictment for not having said this in their Report, it is an indictment of the Dallas police also not in that Report.

With this mixed picture, part in sharp focus, part fuzzy, a picture of the Commission never before exposed, a picture of Oswald as a government informant and the serious emergency with which this possibility confronted the entire government when he was accused of being the Presidential assassin, and a glimpse of how government functioned when in this unparalleled predicament, we begin what to me has been a non-fiction detective story for the more-than-seven years during which I have been trying to ferret out the suppressed evidence.

It comes from rooting out the secreted documents and from extensive personal investigations.

Was Oswald really connected with any federal agency? Was he connected with more than one? Had he had connections, broken them, and was he being harassed to resume them at the time of the assassination?

It may or may not be possible to reach a definitive answer. Certainly, if we do, it will not be with the help of either the CIA or the FBI. The question is one that, in the national interest, must be addressed and, to the degree possible, answered. Before returning to the Commission's secret misconduct on this, acts like nothing in our recorded history - a thing so scandalous and culpable it can hardly be imagined - we should and do examine the strange consistency in

Oswald, beginning with his boyhood, when he did what makes sense only if he conceived himself some kind of amateur spy.